

Mr. Bloch, before I begin with my questions, I'd like to ask you whether you would be willing to respond in writing to any questions we do not get a chance to ask today. We have a number of questions for you, a number of very serious concerns, and if we do not get to them all, we would like you to be able to address these concerns in writing following the hearing.

### Evidence of Bias Undermines OSC's Effectiveness

On April 27 you were on CSPAN – ironically, you said “we will not compromise the justice system” by speaking about the facts of a case before our investigation is complete.

The day before, however, your staff briefed our staffs – Mr. Waxman's and mine. During this briefing your staff openly disparaged the GSA Administrator. This was in the middle of your investigation. Your agency hadn't even wrapped up its interviews yet.

During the April 26<sup>th</sup> staff briefing, your staff disclosed confidential aspects of their investigation – namely that there was an issue with the version of the transcript used by your investigators. As the deposition transcript shows, the first interview with Mrs. Doan was called-off for these reasons and rescheduled. This confidential fact of the investigators was shared with our staffs.

Your staff made comments about her having “amnesia.”

Similar comments were overheard by our staff at a social gathering – a Kentucky Derby party – two weeks before the report was issued.

Your staff has also alluded to the need for Chairman Waxman's help with its re-authorization. Presumably the more Administration officials embroiled in Hatch Act problems the happier the Democrats will be.

Our staff was told the Hatch Act inquiry provides an opportunity for OSC to show that they are willing to be aggressive.

**Question – Mr. Bloch, did you know that officials from your agency were on the Hill disparaging the GSA Administrator on April 26th – more than a month before your report of investigation was officially released?**

**Do you think OSC officials should speak in a disparaging manner about an investigative target to Congress and in public while an investigation is pending?**

**The disparaging comments made by your staff clearly demonstrate your agency was and is biased – what can you do to clean up this situation?**

**Don't you think these prejudicial comments undermine your office's credibility and effectiveness?**

## Premature Leaks to the Media Prejudice the Subject of Investigations and Undermine your Legitimacy

- You leaked a draft of the Doan report to the news media before you showed it to her and before she had a chance to respond.
  - The GSA Administrator has told us she received media inquiries quoting at length from your report on her before she received her copy.
  - *The Washington Post* published a correction stating that it wrongly quoted from a draft report. Only OSC had drafts dated prior to May 18. *The Washington Post* posted a PDF of a May 17<sup>th</sup> draft.
- The Post correction reads:

### **Correction to This Article**

A May 24 A-section article about U.S. General Services Administration chief Lurita Alexis Doan incorrectly reported that the U.S. Office of Special Counsel report sent to Doan had stated that "we recommend that the President take disciplinary action against Administrator Doan" because "her disregard for such protections and safeguards is serious and warrants punishment." Those passages appeared in an earlier version of the report but not in the final version sent to Doan. The final version included a cover letter from Special Counsel Scott J. Bloch containing his "recommendation that the President take appropriate disciplinary action against you for your serious violation of the Hatch Act."

- Leaking the damaging and inaccurate information in the report before Doan has a chance to respond is extremely prejudicial.

Question:

On April 27<sup>th</sup> you went on CSPAN and announced that your office does not leak information about an ongoing investigation.

Shortly thereafter, you did just that.

Doesn't leaking this kind of information suggest that you have ulterior motives? Why couldn't this investigation just take its proper course, which you suggested on CSPAN was so important?

Did you authorize your staff to leak a draft to the newspaper?

Has your staff explained to you that the leak could only have come from OSC?

In a telephone conversation with my staff shortly after the leak, your staff acknowledged that the draft report posted on the web by the Washington Post could only have come from inside the agency – only people inside the agency had it. Your staff also told us that this fact had been communicated to you and that there was no plan to investigate the leak. Even the Post's correction makes clear that Doan did not get the draft report with the leaked language -- do you still deny that the leak came from within OSC?

Why do you tolerate these leaks to the media?

If you did not authorize the leak, what have you done or will you do to investigate this leak?

Use of personal e-mail accounts to attack me and generate support for your position further undermines your credibility

Mr. Bloch, when do you consider the Doan matter closed and off your desk?

Is it possible that the White House might ask you some follow-up questions, or ask you to help them understand the relevant case law, evidentiary standard, and other pertinent legal questions not addressed in your indictment papers?

Would you agree that it is too early to start disparaging Mrs. Doan, making light of her testimony, whether it be testimony to your investigators or before this Committee?

Will there ever be a point where it becomes acceptable for you to disparage Mrs. Doan?

Is it appropriate for officials at your agency to comment about agency business to family and friends on personal e-mail accounts?

If you learned someone was sending mass e-mails from a personal e-mail account about the Doan investigation to their friends and family, what action would you take?

For example, what if an agency official was offering personal commentary and sending news clips via mass e-mail about agency business on their personal account during business hours, would you be concerned?

Mr. Bloch have you ever used a personal e-mail account to send e-mails about official agency business?

As you know, this Committee has been conducting oversight into the use of personal e-mail accounts to discuss official business.

We have an e-mail you sent out at 11:52 am on Tuesday, June 19<sup>th</sup>. It is from your private AOL account and it was sent to a number of folks – some of whom, by the way, were kind enough to forward to me.

In the e-mail which I will read, you begin by making disparaging remarks about Lurita Doan.

You compare some of Mrs. Doan's testimony to the testimony of former President Clinton.

Then you move into some disparaging remarks about me and my colleague the Ranking Member for the Committee on Transportation and Infrastructure, Mr. Mica.

**From:** scottb1132@aol.com [mailto:scottb1132@aol.com]  
**Sent:** Tuesday, June 19, 2007 11:52 AM  
**To:** scottb1132@aol.com  
**Subject:** Wild west articles on Doan

First is hilarious piece riffing on Doan's "hortatory subjunctive." And I didn't think anyone could improve on Clinton's "Depends on what the meaning of is is."

Second is Doan apparently encouraging her people to move on, suggesting President Bush is not going to do anything about her.

Third is from the hearing where Doan said “hortatory subjunctive.” It is Congressman Tom Davis, who has been acting like Doan’s defense counsel, saying reckless things about OSC’s report and calling for my resignation. Weird Kabuki theatre, all of this. I am going up for my Reauthorization hearing on July 12, and Davis will either show up as ranking member of the larger committee, or have Cong. Mica do his dirty work of raking me over the coals. We may have something to say about that.

**Questions:**

**Mr. Bloch, I’d like to ask you to produce all e-mails sent on your AOL e-mail account between January 26, 2007 and today where you**

- a) discuss official business including anything related to Hatch Act violations and Hatch investigations; and**
- b) discuss Lurita Doan, me, the Chairman, Mr. Mica, other members of this Committee and any other government official.**

**Do you have any problem with that request? When can you make that production?**

**You state that I have called for your resignation? When? Where?**

**You write we plan to rake you over the coals – and then you say “We may have something to say about that?” What do you mean by that? Is this more of your overheated rhetoric?**

**Why are you sending news clips on your AOL account in the form of a mass mailing?**